

House File 495

H-1198

1 Amend House File 495 as follows:

2 1. Page 1, line 18, by striking <six> and inserting  
3 <seven>

4 2. Page 1, by striking lines 21 through 24 and  
5 inserting <For rental agreements in which the rent is  
6 greater than seven hundred dollars per month, a rental  
7 agreement shall not provide for a late fee that exceeds  
8 twenty dollars per day or a total amount of one hundred  
9 dollars per month.>

10 3. Page 1, before line 25 by inserting:

11 <Sec. \_\_\_\_\_. Section 562A.12, subsection 7, Code  
12 2013, is amended to read as follows:

13 7. The bad faith retention of a deposit by a  
14 landlord, or any portion of the rental deposit, in  
15 violation of this section shall subject the landlord  
16 to punitive damages not to exceed ~~two hundred dollars~~  
17 twice the monthly rental payment in addition to actual  
18 damages.>

19 4. Page 1, after line 32 by inserting:

20 <Sec. \_\_\_\_\_. Section 562A.26, Code 2013, is amended  
21 to read as follows:

22 **562A.26 Tenant's remedies for landlord's unlawful**  
23 **ouster, exclusion, or diminution of service.**

24 If the landlord unlawfully removes or excludes  
25 the tenant from the premises or willfully diminishes  
26 services to the tenant by interrupting or causing  
27 the interruption of electric, gas, water, or other  
28 essential service to the tenant, the tenant may recover  
29 possession pursuant to section 648.1, subsection 1, or  
30 terminate the rental agreement and, in either case,  
31 recover the actual damages sustained by the tenant,  
32 punitive damages not to exceed twice the monthly rental  
33 payment, and reasonable attorney fees. If the rental  
34 agreement is terminated, the landlord shall return all  
35 prepaid rent and security.

36 Sec. \_\_\_\_\_. Section 562A.29A, subsection 1, Code  
37 2013, is amended to read as follows:

38 1. A written notice of termination required under  
39 section 562A.27, subsection 1, 2, or 5, a notice of  
40 termination and notice to quit under section 562A.27A,  
41 a written notice of termination as required by section  
42 562A.34, subsection 1, 2, or 3, or a notice to quit  
43 required by section 648.3, shall be served upon the  
44 tenant by one or more of the following methods as  
45 provided in this subsection:

46 a. A landlord shall serve notice on a tenant by one  
47 or more of the following methods:

48 (1) Delivery evidenced by an acknowledgment of  
49 delivery that is signed and dated by a resident of  
50 the dwelling unit who is at least eighteen years of

1 age. Delivery under this paragraph shall be deemed to  
2 provide notice to all tenants of the dwelling unit.

3 ~~b.~~ (2) Personal service pursuant to rule of civil  
4 procedure 1.305, Iowa court rules, for the personal  
5 service of original notice.

6 ~~c.~~ (3) Posting on the primary entrance door of  
7 the dwelling unit and mailing by both regular mail  
8 and certified mail, as defined in section 618.15, to  
9 the address of the dwelling unit or to the tenant's  
10 last known address, if different from the address of  
11 the dwelling unit. A notice posted according to this  
12 paragraph shall be posted within the applicable time  
13 period for serving notice and shall include the date  
14 the notice was posted.

15 b. A tenant shall serve notice on a landlord by one  
16 or more of the following methods:

17 (1) Delivery evidenced by an acknowledgment of  
18 delivery that is signed and dated by the landlord or  
19 the landlord's agent designated under section 562A.13.

20 (2) Personal service pursuant to rule of civil  
21 procedure 1.305, Iowa court rules, for the personal  
22 service of original notice.

23 (3) Mailing by both regular mail and certified  
24 mail, as defined in section 618.15, to the address  
25 of the landlord's business office or to an address  
26 designated by the landlord for mailing.>

27 5. Page 2, after line 29 by inserting:

28 <Sec. \_\_\_\_\_. Section 562B.10, Code 2013, is amended  
29 by adding the following new subsection:

30 NEW SUBSECTION. 3A. For rental agreements in  
31 which the rent does not exceed seven hundred dollars  
32 per month, a rental agreement shall not provide for  
33 a late fee that exceeds twelve dollars per day or a  
34 total amount of sixty dollars per month. For rental  
35 agreements in which the rent is greater than seven  
36 hundred dollars per month, a rental agreement shall  
37 not provide for a late fee that exceeds twenty dollars  
38 per day or a total amount of one hundred dollars per  
39 month.>

40 6. Page 2, after line 29 by inserting:

41 <Sec. \_\_\_\_\_. Section 648.22A, Code 2013, is amended  
42 by adding the following new subsection:

43 NEW SUBSECTION. 1A. If the plaintiff is the party  
44 making the election, the plaintiff may, at the time  
45 judgment is entered, request an order of removal of the  
46 defendant and may request that the sheriff execute the  
47 order of removal of the defendant from the property.  
48 The sheriff shall serve a copy of the judgment, order  
49 of removal, and written notice of election on any  
50 occupant of the mobile home or manufactured home over

1 the age of eighteen or by affixing a copy of the  
2 judgment and notice of election to a main entrance of  
3 the premises. The order is subject to the provisions  
4 of this section.>

5 7. Title page, line 1, after <laws> by inserting  
6 <and related forcible entry and detainer laws>

7 8. By renumbering as necessary.

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HEARTSILL of Marion